

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KEVIN GERARD MITCHELL,

Defendant.

CR-07-12-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on April 30, 2021. (Doc. 93.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on April 29, 2021. (Doc. 88.) The United States accused Mitchell of violating his conditions of supervised release by using methamphetamine. (Doc. 85.)

At the revocation hearing, Mitchell admitted to violating the conditions of his supervised release by using methamphetamine. (Doc. 88.) Judge Johnston found that the violations Mitchell admitted proved to be serious and warranted

revocation, and recommended that Mitchell receive a custodial sentence of 6 months with 31 months of supervised release to follow. (Doc. 93.) Mitchell was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 88.) The violations prove serious and warrant revocation of Mitchell's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 54) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Kevin Gerard Mitchell be sentenced to the custody of the United States Bureau of Prisons for 6 months, with 31 months of supervised release to follow.

DATED this 18th day of May, 2021.



Brian Morris, Chief District Judge
United States District Court